

REMARKS/ARGUMENTS

The allowance of Claims 1-7, 10, 12-22, 28-34, 37-38 and 40 as set forth in the Final Rejection is acknowledged with appreciation. It is also noted that the prior art rejections have been withdrawn as to all pending claims.

Applicant's attorney also acknowledges the recent telephone interview with the Examiner during which the issues raised in the Final Rejection were discussed and agreements were reached for placing the application in condition for allowance.

In particular, as to the rejection of Claims 23-27 under 35 U.S.C. §112, first paragraph, as introducing new matter and failing to meet the written description requirement, applicant's attorney explained that the amendments made to claims 23 and 24 in the response dated November 21, 2006 did not purport to alter the claim scope, but were presented purely for purposes of improving the clarity of the claims. The amendments simply clarified that the pH values specified in the claims are for a solution of the milk protein fraction at a concentration of 2%. Thus the scope of the claim was not altered. After receiving this explanation and conferring with the Examiner's supervisor, the Examiner indicated that this explanation would be accepted and the rejection would be withdrawn.

As for the rejection of Claim 36 under 35 U.S.C. §112, first paragraph, this claim has been amended to specify that the pharmaceutically acceptable carrier is edible. From the statements made in the Final Rejection and from the discussions with the Examiner, it is understood that this amendment would overcome the rejection of Claim 36.

Claims 8-9 and 11 were rejected because of improperly having a range within a range. Applicant explained that the claims as originally presented were believed to be proper and free from objection under 35 U.S.C. §112, since dependent claims 8, 9 and 11 simply refer back to and further limit a parent claim. The Examiner indicated during the interview that this rejection can be overcome by re-writing claims 8, 9 and 11 into independent form. Accordingly, claims 8, 9 and 11 have been amended in this manner and are now believed to be free from any objection under 35 U.S.C. §112.

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For the reasons noted, it is submitted that all claims as now presented are in condition for allowance. Reconsideration by the Examiner and formal notification of the allowance of all claims are respectfully solicited.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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